

## REMARKS

### 1. Summary of the Office Action

Claims 1, 3, 8-12 and 14 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. patent no. 6,320,836 (hereinafter “Hattori, et al.”). Claims 1, 2 and 4-14 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. patent no. 6,175,544 (hereinafter “Shiomi”).

### 2. Response to § 102 Rejections

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

To anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 includes the limitation of “**a cover** to cover the opening when the tray is within the drive; and **a fragment barricade** affixed within the drive, the fragment barricade being **in addition to the cover**, wherein the fragment barricade is positioned within the drive so as to prevent fragments of a disc from escaping from the front side of the drive including the opening and the cover.

”Hattori describes an apparatus including a door 1a to allow insertion of a cartridge 5. Shiomi also describes a lid 19 that corresponds to the door of Hattori.

However, neither Hattori nor Shiomi describe or even suggest, in addition to a cover, providing a **separate fragment barricade affixed within the drive** to prevent fragments of a

spinning disk from escaping. Accordingly, it is submitted that claim 1 is allowable and, as claims 2-9 are dependent upon claim 1 they are also allowable.

Claim 10 includes the limitation wherein "the fragment barricade is positionable proximate a front side a drive between a cover and a disc so as to operatively prevent fragments of the disc from escaping from the front side of the drive."

In view of the remarks above, it will be appreciated that neither Hattori nor Shiomi describe or even suggest the limitation wherein "**the fragment barricade** is positionable proximate a front side a drive **between a cover and a disc** so as to operatively prevent fragments of the disc from escaping from the front side of the drive." Accordingly, claim 10 is allowable.

Claim 11 includes the limitation of "providing a **cover** to cover the opening when the tray is within the drive; providing a **fragment barricade in addition to the cover**; and **affixing the fragment barricade within the drive**." In view of the remarks above, it is submitted that claim 11 is also allowable.

Claim 12 includes the limitation of "a drive housing including an opening through which a tray for receiving a disc is displaceable; a **cover** to cover the opening when the tray is within the drive housing; [and] a **fragment barricade** affixed within the drive housing, the fragment barricade being **in addition to the cover**." In view of the remarks above, it is submitted that claim 12 is allowable and, as claims 13 and 14 are dependent upon claim 12 they are also allowable.

In light of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 102 has been also been overcome, and withdrawal of this rejection is therefore respectfully requested.

### 3. Conclusion

Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200 ext. 204.

Respectfully submitted,

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Dated: 06/09/, 2004

  
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